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not necessarily disqualify. *State* v. *Baker,* 33 W. Va. 319; *State* v. *Ford,* 37 La. Ann. 443. See note to *Scribner* v. *State,* 35 L. R. A. n. s. 985. The reasoning upon which these cases rest is most aptly put by the West Virginia court in *State* v. *Baker, supra,* saying that to disqualify such a juror "would put a premium upon ignorance, and a discount on reading and intelligence; and the unbending application of such a rule would practically disable the courts from securing juries of adequate capacity to fitly decide grave and momentous causes." On the other hand there are several courts which hold that an opinion based upon newspaper reports of a previous trial does disqualify. *Greenfield* v. *People,* 74 N. Y. 277; *Staup* v. *Commonwealth,* 74 Pa. St. 458; *State* v. *Culler,* 82 Mo. 623. The theory of these cases is that the source of information is such that the juror cannot possibly set aside his opinion, but will unconsciously be swayed by it. As said by the court in *Greenfield* v. *People, supra,* "can that mind be unbiased in the second pondering, of the same testimony, which has already caused it to preponderate and settle it to or towards a conclusion." The force of this argument cannot be denied, but justice would be more intelligently administered by applying the rule laid down in the principal case. On principle a juror should never be disqualified simply because he has an opinion as to the merits of the case. It is only when the opinion is so strong that the juror could not render an opinion according to the evidence, that he should be declared incompetent.

MARRIAGE—FRAUDULENT REPRESENTATION—ANNULMENT.—Defendant induced the plaintiff to marry her by representing to him that her pregnancy was the result of his illicit relations with her, though she then knew that another was the cause of her condition. Plaintiff did nothing to investigate the truth of her representations. *Held,* the fraud was ground for annulment of the marriage. *Jackson* v. *Ruby,* (Me., 1921), 115 Atl. 90.

Ordinarily a wife's pregnancy by another man at the time of her marriage, if unknown to her husband, is ground for annulment of the marriage, *Reynolds* v. *Reynolds,* 3 Allen (Mass.) 605; *Harrison* v. *Harrison,* 94 Mich. 559. *Contra, Moss* v. *Moss,* (Eng.) 77 L. T. N. S. 220; but not where the wife's condition, though unknown to the husband, is a result of his own antenuptial incontinence. *McCulloch* v. *McCulloch,* 69 Tex. 682. The earlier cases quite commonly refused to free a husband who had been guilty of premarital incontinence with his wife, even though the marriage was induced by the representations of the wife that her pregnancy was caused by him, when she knew it was caused by another. In *Scroggins* v. *Scroggins,* 14 N. C. (3 Dev. L.) 535, where the husband and wife were white, and the child born a mulatto, the court refused relief on the theory that public policy required the preservation of the indissolubility of the marriage tie. But see *Barden* v. *Barden,* 14 N. C. (3 Dev. L.) 548 and *Bryant* v. *Bryant,* 171 N. C. 746. Some denied the petition of the husband on the ground that he did not come into court with clean hands. *States* v. *States,* 37 N. J. Eq. 195; *Seilheimer* v. *Seilheimer,* 40 N. J. Eq. 412. But this view has been rejected by other courts on the theory that the gravamen of the complaint is not the

illicit intercourse but the prior pregnancy and concealment concerning which the deceived party is innocent. *Winner* v. *Winner,* 171 Wis. 413; *Lyman* v. *Lyman,* 90 Conn. 399. In *Foss* v. *Foss,* 12 Allen (Mass.) 26, where the parties had sexual intercourse at their second or third meeting and were married a short time later, relief was denied the husband. The court held that his predicament was the result of his own "blind credulity" and that his antenuptial relations with his wife and her condition were sufficient to put a reasonable man on inquiry, necessitating some sort of investigation on his part into the truth of her representations. *Safford* v. *Safford,* 224 Mass. 392. See also, *Franke* v. *Franke,* (Cal.), 31 Pac. 571. In *Winner* v. *Winner, supra,* the court annulled the marriage and though disapproving of the Massachusetts rule above, it distinguished the case on the ground that because of their long comradeship and their engagement, the plaintiff acted reasonably in relying on the representations of the defendant. The more recent cases grant relief to the husband and reject the Massachusetts rule because of a belief that it punishes too severely the wrongdoer who is making a praiseworthy attempt at retribution. *Lyman* v. *Lyman,* (1916) 90 Conn. 399; *Ritayik* v. *Ritayik,* (1919) 202 Mo. App. 74; *Wallace* v. *Wallace,* (1908) 137 Ia. 37, (involving a statute); *Gard* v. *Gard,* (1918) 204 Mich. 255, where the defendant had informed the plaintiff of her intercourse with another. See 18 L. R. A. 375; L. R. A. 1916 E 643, 650; 11 A. L. R. 931.

MUNICIPAL ZONING—EXCLUSION OF GASOLINE FILLING STATION FROM RESIDENTIAL DISTRICT.—A statute authorized cities of the first class to establish restricted residential districts and to provide that no buildings except residences, schoolhouses and churches should be erected within such districts without first securing a permit from the city council, such permit to be issued under such reasonable rules and regulations as the city council might provide. An ordinance of the city of Des Moines created such a district. Defendant sought a permit to erect a gasoline filling station within said district, and when it was refused proceeded to erect it without permission. The city sued to enjoin him. It appeared that the corner where the station was to be erected was an intersection from which five streets radiated, that one corner was occupied by a park which was frequented by small children, and that another corner was occupied by a church. Plaintiff contended that the station would increase congestion of vehicles, would accentuate the noise and confusion of ordinary street traffic to the disturbance of the inhabitants and the church, that the disagreeable odors of gasoline would pervade the neighborhood, that the drip of oil would befoul the streets, and that, in general, the said business would be detrimental to the health, comfort, and general welfare of the people making their homes in the district, and would constitute a nuisance. Defendant denied that its business would constitute a nuisance and contended that the refusal of the permit was unconstitutional. *Held,* the refusal was a valid exercise of police power and defendant was enjoined from erecting his filling station. *City of Des Moines* v. *Manhattan Oil Co.,* (Ia. 1921) 184 N. W. 823.

The question in the case was whether or not the regulations under